

# GOA STATE INFORMATION COMMISSION

‘Kamat Towers’, Seventh Floor, Patto, Panaji – Goa

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CORAM: Smt. Pratima K. Vernekar, State Information Commissioner

**Appeal No. 140/2016**

**Mr. Dominic Noronha,  
H.No. 92,Dandvado Sirlim,  
Salcete Goa.**

**....Appellant**

**V/s.**

**1.The Public Information Officer,  
Executive Engineer ,  
Division VI(R/S)PWD,  
Fatorda Goa.**

**2.The First Appellate Authority,  
PWD Office,  
Altinho,  
Panaji Goa.**

**....Respondent**

**Filed on: 28/07/2016  
Decided on: 1/06/2017**

## **ORDER**

1. The Appellant Shri Domnic Naronha has filed the present appeal with a prayer for providing him requested information at the earliest as it involves waste of public funds and also for invoking penal provisions.
2. Brief facts leading to present appeal are as under.
3. The appellant vide his application dated 21/03/2016 has sought inspection of files and certified copies of the documents which would be identified by him during the inspection, from PIO (E.E.)of PWD Division (VI), at Fatorda, Margao-Goa
4. The said application was referred to Assistant Engineer-I , (APIO), Works Div-VI (R/S), PWD, Fatorda, Margao-Goa. by the Respondent No. 1 PIO on 28/03/2016.

5. Appellant, since he did not received any information to his RTI application from the Respondent No. 1 PIO, within stipulated time deeming the same as refusal he preferred 1<sup>st</sup> appeal under section 19(1) of the RTI Act, 2005 with the Superintendent of Surveyor of Works, PWD Altinho, Panaji-Goa being 1<sup>st</sup> Appellate Authority.
6. The Respondent No. 2, First Appellate Authority (FAA) herein by an order dated 24/05/2016 directed Respondent No. 1 to give required inspection of the information to the appellant within 15 days from the date of receipt of the order.
7. In pursuant to the order, appellant had carried the inspection of the files and identified the documents and the list of the said documents were given to the Respondent No. 1 PIO by the Appellant on 29/06/2016. It is case of the Appellant that despite of he placing the request for copies of the identified documents, the PIO has neglected to furnish him the same, as such the appellant have landed up before this Commission in this present appeal.
8. In pursuant to the notice the appellant remained present. Respondent No. 1 PIO represented by Shri Meghshyam Naik and Respondent No. 2 was represented by Gracy Fernandes. The Respondent No. 1 filed his reply on 17/02/2017 and also on 29/03/2017. And the Respondent No. 2 filed his reply on 29/03/2017. Copies of the replies were collected by the appellant on 25/04/2017. The Appellant then submitted to pass appropriate order based on records and prayed for penalty on PIO.
9. Representative of PIO Shri Meghashyam Naik appeared late on 25/04/17 when the matter was already taken up for hearing and when the appellant had left Office of Commission and placed on record letter dated 24/04/2017 made to the appellant which was sent by them by post to collect the information which was kept ready by them.
10. Since appellant submitted before this commission during the course of hearing, that the said information is required by him on priority basis and as the office of the Respondent PIO is at close distance from the residence of the Appellant, the PIO was directed to furnish information at his residence at Shirlim Salcete-Goa on the address mentioned in the memo of appeal and to file compliance report alongwith the acknowledgement card of the appellant. The Appellant was directed to verify the said information

and to report to this Commission within 8 days thereafter and the matter was fixed on 10/05/2017 for the compliance report of the Respondent and for the confirmation by the Appellant.

11. Accordingly compliance report came to be filed on 15/05/2017 interalia submitting that the requisite information have been delivered to the Appellant on 12/05/2017 at his residence and due acknowledgement of the Appellant have been obtained from the appellant. Copy of the letter dated 12/05/2017 bearing the acknowledgement of the appellant was placed on record.
12. Since the appellant have not approached this Commission by way of any grievance with respect to information furnished to him, the Commission holds that the voluminous information which has been furnished to appellant is as per his requirement and satisfaction.
13. Now coming to the other relief which are in nature of penal action, it appears that Respondent No. 1 PIO was not holding the said information, since the said information was not in his custody he made letter to Assistant Engineer on 28/03/2016 directing him to provide required information to the Appellant by 12/04/2016. It appears that the Assistant Engineer (I) have not adhered to said instructions given in the said letter as such, it was beyond the control of Respondent No. 1 PIO to furnish the information to the Appellant within time stipulated under the Act.

Further the letter dated 4/05/2016 which has been relied by appellant himself made to him by Respondent No. 1 PIO reveals that the appellant was called upon for inspection of records and for identification of the documents. The said letter was made as per the information obtained from the Assistant Engineer SD-I, WD-VI, PWD Fatorda, Margao. As such I am of the opinion that the PIO has acted diligently on the receipt of the application filed under section 6 (1) of the RTI Act.

14. However, it could be gathered from the records that documents which was duly identified by the appellant, were not furnished to him within time specified by the FAA. The said information only came to be furnished to the Appellant on 12/05/2017. There is delay in furnishing the information to the appellant after the order of FAA. However, since nothing is brought on record by the appellant that

such lapse on the part of the PIO is persistent, as such considering this is the 1<sup>st</sup> lapse on the part of PIO, a lenient view is taken in the present case.

15. However Respondent No. 1 is hereby directed to be vigilant henceforth while dealing with the RTI application and any further lapse on their part if any will be viewed strictly.

Appeal stands disposed .

Notify the parties.

Authenticated copies of the Order should be given to the parties free of cost.

Aggrieved party if any may move against this order by way of a Writ Petition as no further Appeal is provided against this order under the Right to Information Act 2005.

Pronounced in the open court.

Sd/-

**(Ms.Pratima K. Vernekar)**  
State Information Commissioner  
Goa State Information Commission,  
Panaji-Goa

KK/-